

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

TAREK HELOU (CABN 218225)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7071
Facsimile: (415) 436-7234
Tarek.J.Helou@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-0653-SI-EMC
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
ABEL LOPEZ-MENERA,)	
a/k/a Jose Lopez-Martinez,)	
a/k/a Bernabe Banderas Lopez,)	
Defendant.)	

On October 22, 2007, the parties in this case appeared before the Court and stipulated that time from October 16, 2007 through November 9, 2007 should be excluded from Speedy Trial Act calculations because defense counsel needs adequate time to review discovery that the United States produced in this case. The parties represented that the length of the requested continuance was the reasonable amount of time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The

1 parties also agreed that the ends of justice served by this continuance outweighed the best
2 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

3
4 SO STIPULATED:

5
6 SCOTT N. SCHOOLS
United States Attorney

7
8 DATED: October 25, 2007

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
_____/s/
TAREK HELOU
Assistant United States Attorney

11 DATED: October 25, 2007

_____/s/
ELIZABETH FALK
Attorney for Defendant Abel Lopez-Menera

14 As the Court found on October 22, 2007, and for the reasons stated above, the Court finds
15 that the ends of justice served by the requested continuance outweigh the best interests of the
16 public and the defendant in a speedy trial. The Court also finds that time from October 16, 2007
17 through November 9, 2007 should be excluded from Speedy Trial Act calculations for effective
18 preparation of defense counsel. 18 U.S.C. §3161 (h)(8)(A). Failing to grant the requested
19 continuance would deny counsel reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.
21 §3161(h)(8)(B)(iv).

23 SO ORDERED.

25 DATED: 10/26/07

26
27
28

THE HONORABLE EDWARD M. CHEN
United States Magistrate Judge